

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

UNITED STATES OF AMERICA, )  
 )  
 Plaintiff, ) ) Nos. 3:05-CR-118  
 V. ) ) 3:08-CR-22  
 ) ) (PHILLIPS / GUYTON)  
 JOSHUA CRITTENDEN, )  
 )  
 Defendant. )

**MEMORANDUM AND ORDER**

The above-named defendant appeared in custody before the undersigned on January 13, 2010, for a preliminary hearing on the Petition For Warrant For Offender Under Supervision, dated December 11, 2009, ("the Petition"). Attorney Alexandra Hui was present on behalf of the government. Paula R. Voss, Federal Defender Services, appeared as counsel for the defendant. The Court heard the testimony of Detective Matthew Gilmore, of the Blount County Sheriff's Office, and the testimony of Marilyn Rashid, the mother of the defendant.

The Court found that the Petition alleged three violations: (1) a robbery and assault committed on November 30, 2009; (2) a positive drug test for cocaine on September 30, 2009, along with positive drug tests for marijuana on October 30, 2009, November 10, 2009 and November 17, 2009; and (3) a failure to report for a drug test on November 8, 2009.

The Court further found that there was not probable cause to conclude that the alleged robbery and assault occurred and/or that it was committed by the defendant.

The Court further found that the government, at the hearing, withdrew the alleged cocaine use.

The Court further found that the defendant, at the hearing, stipulated to the positive drug tests for marijuana, and to the failure to report for a drug screen on November 9, 2009.

Accordingly, it is hereby **ORDERED** that the Petition's alleged violation number 1 is dismissed, as is the cocaine use allegation of violation number 2. The balance of the allegations in violation number 2 and violation number 3 shall proceed to District Judge Thomas W. Phillips for hearing on January 25, 2010.

**IT IS SO ORDERED.**

ENTER:

s/ H. Bruce Guyton  
United States Magistrate Judge